

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF IOWA  
CENTRAL DIVISION**

JOE COMES and	:	NO. CV-05-562
RILEY PAINT, INC., an Iowa	:	
Corporation	:	
Plaintiffs,	:	
vs.	:	
MICROSOFT CORPORATION,	:	PLAINTIFFS' RESISTANCE
A Washington Corporation,	:	TO MOTION TO EXTEND
Defendants.	:	TIME TO RESPOND TO
		PLAINTIFF'S MOTION TO
		AMEND THE PETITION

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COME NOW Plaintiffs in the above entitled matter and resists Defendant's Motion to Extend Time to Respond to Plaintiffs' Motion to Amend and in support thereof states to the Court:

1. Plaintiffs filed their Motion to Amend on September 16, 2005 within the time allowed for amendment.
2. Defendant's response thereto was due on September 26 , 2005 under and pursuant to IRCP 1.441(4).
3. As a matter of professional courtesy, Plaintiffs voluntarily agreed to Defendant's request for more time to prepare their response.
4. Despite Defendant's representations that it required the extra time to resist the motion to amend , it did not resist Plaintiffs' Motion to amend on October 14, 2005. Instead, the day before it was due, Microsoft removed the case to federal court on completely frivolous grounds.

5. Defendant's removal is filed for the purpose of delay. It is wholly without merit. Defendant should not be permitted to take further advantage of Plaintiffs' extension of professional courtesy. Its response was originally due on September 26, 2005. The time was extended by Plaintiff until October 14, 2005. No further extension should be granted by the Court.

WHEREFORE, Plaintiffs pray that Defendant's Motion for Extension of Time be denied.

/s/ Roxanne Barton Conlin

Roxanne Barton Conlin  
Roxanne Conlin & Associates, P.C.  
319 7<sup>th</sup> Street, Suite 600  
Des Moines, Iowa 50309  
Phone: (515) 283-1111  
Fax: (515) 282-0477  
Email: roxlaw@aol.com

/s/ Richard M. Hagstrom

Richard M. Hagstrom  
Zelle, Hofmann, Voelbel, Mason & Gette  
500 Washington Avenue South  
Suite 4000  
Minneapolis, MN 55415  
Phone: 612-339-2020  
Fax: 612-336-9100  
Email: Rhagstrom@zelle.com  
ATTORNEYS FOR PLAINTIFFS

I hereby certify that on October 18, 2005, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which sent notification of said filing to all CM/ECF participants.

David B. Tulchin  
Joseph E. Neuhaus  
Sullivan & Cromwell LLP  
125 Broad Street  
New York, New York 10004

Email: [NEUHAUSJ@sullcrom.com](mailto:NEUHAUSJ@sullcrom.com)  
[TULCHIND@sullcrom.com](mailto:TULCHIND@sullcrom.com)

Edward Remsburg  
Ahlers & Cooney, P.C.  
100 Court Avenue  
Suite 600  
Des Moines, Iowa 50309  
[EREMSBURG@ahlerslaw.com](mailto:EREMSBURG@ahlerslaw.com)

Brent B. Green  
Bradley C. Obermeier  
Duncan, Green, Brown & Langeness  
A Professional Corporation  
400 Locust Street, Suite 380  
Des Moines, Iowa 50309  
[bgreen@duncangreenlaw.com](mailto:bgreen@duncangreenlaw.com)

ATTORNEYS FOR DEFENDANT

/s/ Roxanne Barton Conlin  
Roxanne Barton Conlin  
Roxanne Conlin & Associates, P.C.  
319 7<sup>th</sup> Street, Suite 600  
Des Moines, Iowa 50309  
Phone: (515) 283-1111  
Fax: (515) 282-0477  
Email: [roxlaw@aol.com](mailto:roxlaw@aol.com)

/s/ Richard M. Hagstrom  
Richard M. Hagstrom  
Zelle, Hofmann, Voelbel, Mason & Gette  
500 Washington Avenue South  
Suite 4000  
Minneapolis, MN 55415  
Phone: 612-339-2020  
Fax: 612-336-9100  
Email: [Rhagstrom@zelle.com](mailto:Rhagstrom@zelle.com)